



Legislation Text

File #: Res 1507-2008, Version: *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1507

Resolution approving a full exemption from real property taxes for property located at (Block 2408, Lots 1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 14, 20, 25, 27, 28, 29, 31, and part of Lot 16 (part tentative Lot 1) Bronx, pursuant to Section 577 of the Real Property Tax Law (Preconsidered L.U. No. 814).

By Council Member Weprin

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated June 2, 2008 that the Council take the following action regarding a housing project to be located at (Block 2408, Lots 1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 14, 20, 25, 27, 28, 29, 31, and part of Lot 16 (part tentative Lot 1) ("Exemption Area "):

Approve a full exemption of the Project from real property taxes pursuant to Section 577 of the Real Property Tax Law (the "Tax Exemption");

WHEREAS, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

WHEREAS, the Council held a hearing on the Project on June 25, 2008;

WHEREAS, the Council has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Project shall be developed upon the terms and conditions set forth in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the Owner, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - (b) "Exemption Area" shall mean the real property located in the Borough of Bronx, City and State of New York, identified as Block 2408, Lots 1, 6, 7, 8, 9, 10, 12, 13, 14, and parts of Lots 2, 5, 16, 20, 25, 27, 28, 29, 31 on the Tax Map of the City of New York.

(c) "Exemption" shall mean the full exemption from real property taxes provided hereunder with respect to the Exemption Area.

(d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30)

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years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

(e) "HDFC" shall mean Courtlandt Corners II Housing Development Fund Corporation.

(f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

(g) "Owner" shall mean, collectively, the HDFC and the Partnership.

(h) "Partnership" shall mean Courtlandt Corners II Associates, L.P.

(i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner providing that, for a term of 30 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 100% of area median income.

2. All of the value of the property in the Exemption Area, including both the land and improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary, the Exemption shall terminate if HPD determines that (i) the housing project is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the housing project is not being operated in accordance with the requirements of the Regulatory Agreement and such non-compliance constitutes an event of default under the Regulatory Agreement, or (iii) the demolition of an existing multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
4. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state or federal law, rule or regulation.

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Adopted.

Office of the City Clerk, }
The City of New York } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of the City of New York on June 25, 2008, on file in this office.

City Clerk, Clerk of Council